

02.05.2023
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allowed

CRM(DB) No. 1530 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bakultala Police Station Case No. 255 of 2021 dated 24.10.2021 under Section 377 of the Indian Penal Code and Section 4 of the POCSO Act.

And
In Re : Haran Laskar petitioner

Mr. Neil Basu
Mr. Sankha Biswas
....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
.... for the State

Learned Counsel for the petitioner submits he is in custody for over 500 days. It is also submitted victim has not supported the prosecution case. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

In spite of service nobody appears for the victim.

We have considered the materials on record. Minor victim did not support the prosecution case and has been declared hostile. Keeping in mind the aforesaid change in circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, subject to conditions that petitioner shall appear

before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)